



United States Department of Justice

United States Attorney  
Northern District of New York

---

445 Broadway, Room 218  
James T. Foley U.S. Courthouse  
Albany, New York 12207-2924

Tel.: (518) 431-0247  
Fax: (518) 431-0386

April 19, 2017

Hon. Lawrence E. Kahn  
Senior U.S. District Judge  
James T. Foley U.S. Courthouse  
445 Broadway, Room 424  
Albany, New York 12207

*Re: Grand Jury, Sovereigns of the Court v. U.S. Congress, et al.  
Case No. 1:16-cv-1490 (LEK-DJS)*

Dear Judge Kahn:

Our office represents the Federal Defendants in the above-referenced matter. Although our time to respond to the Plaintiff's various submissions has been adjourned pending the determination of the New York State Attorney General's motion to dismiss (Dkt. #12), we write in regard to Plaintiff's latest submission – which is a putative motion for entry of a default judgment against the Clerk of the Court. Specifically, we wish to call the Court's attention to the fact that Plaintiff appears to be an unincorporated association of persons purporting to be a "common law" grand jury. It further appears that Plaintiff has, through one of its non-lawyer members, been filing papers in this matter without legal counsel.

As a threshold matter of settled law, an unincorporated organization, such as Plaintiff, "must be represented in court by attorneys admitted to practice, and may not appear through an officer or other lay representative." *See First Amendment Foundation v. Village of Brookfield*, 575 F. Supp. 1207, 1207-08 (N.D. Ill. 1983) (citing *Strong Delivery Ministry Association v. Board of Appeals*, 543 F.2d 32 (7th Cir. 1976); *Move Organization v. United States Department of Justice*, 555 F. Supp. 684, 692–93 (E.D.Pa. 1983); *Turner v. American Bar Association*, 407 F. Supp. 451, 476 (N.D.Tex., W.D.Pa., N.D.Ind., D.Minn., S.D.Ala., W.D.Wis. 1975), aff'd sub nom. *Pilla v. American Bar Association*, 542 F.2d 56 (8th Cir. 1976)). Where, as here, a non-lawyer has improperly appeared on behalf of an unincorporated organization, the party's pleadings must be stricken and the matter must be dismissed without prejudice. *Id.* This relief should be granted even in the absence of a motion by a party. *See First Amendment Foundation*, 575 F. Supp. at 1207-08 (dismissing action on court's own motion under 28 U.S.C. § 1654 due to non-lawyer's appearance on behalf of unincorporated association).

Letter to Hon. Lawrence E. Kahn

*Grand Jury, Sovereigns of the Court v. U.S. Congress, et al.*

1:16-CV-1490 (LEK/DJS)

Date: April 19, 2017

Page 2

In light of the foregoing, the Federal Defendants respectfully submit that the Court should, *sua sponte*, strike all of Plaintiff's pleadings and dismiss this action in its entirety.

Very truly yours,

RICHARD S. HARTUNIAN  
United States Attorney

By: S/John D. Hoggan, Jr.  
John D. Hoggan, Jr.  
Assistant United States Attorney  
Bar Roll No. 511254

/JDH

cc: Grand Jury, Sovereigns of the Court